

City Council Introduction: **Monday**, November 13, 2000
Public Hearing: **Monday**, November 20, 2000, at **1:30 p.m.**

Bill No. 00-207

FACTSHEET

TITLE: **STREET VACATION NO. 00019**, requested by R.C. Krueger Development Company, to vacate a portion of South 16th Street in Vavrina Meadows.

STAFF RECOMMENDATION: Revise the legal description to vacate the curved portions of the circular right-of-way 30 feet to the east and west of the centerline of South 16th Street leaving a standard 60' wide street, with conditions.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 11/01/00
Administrative Action: 11/01/00

RECOMMENDATION: Approval of the staff recommendation, with amendment deleting Condition #1.2, as requested by the applicant (7-0: Bayer, Carlson, Krieser, Newman, Taylor, Schwinn and Steward voting 'yes'; Duvall and Hunter absent).

FINDINGS OF FACT:

1. The Planning staff recommendation to revise the legal description to vacate the curved portions of the circular right-of-way as opposed to the entire street is based upon the "Analysis" as set forth on p.2-3.
2. The applicant's testimony is found on p.5, including a request to delete Condition #1.2. The applicant agreed to the staff recommendation to vacate the curved portions of the right-of-way as opposed to the entire street.
3. There was no testimony in opposition.
4. The staff agreed to the deletion of Condition #1.2.
5. The Planning Commission agreed with the staff recommendation, as set forth in the staff report dated October 16, 2000, with amendment deleting Condition #1.2.
6. The revised legal descriptions were submitted on November 2, 2000 (See p.006-007).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: November 6, 2000

REVIEWED BY: _____

DATE: November 6, 2000

REFERENCE NUMBER: FS\CC\FSV00019

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: STREET VACATION NO. 00019

DATE: OCTOBER 16, 2000

SOUTH 16TH STREET at VAVRINA BOULEVARD

****As Revised by Planning Commission 11/01/00**

PROPOSAL: A petition has been received from the abutting property owner to vacate a portion of South 16th Street in Vavrina Meadows.

GENERAL INFORMATION:

APPLICANT: Richard C. Krueger
c/o R. C. Krueger Development Company, Inc.
2929 Pine Lake Road - Suite 16
Lincoln, NE 68516
402-423-7377

LOCATION: South 16th Street, at the end of Vavrina Boulevard.

LEGAL DESCRIPTION: South 16th Street from the south lot line of Outlot 'D,' Vavrina Meadows extended south to its terminus, abutting Lot 1, Block 9, Lot 1, Block 10, Lot 18, Block 11, and Outlot 'C,' Vavrina Meadows Addition, and Outlot 'C,' Vavrina Meadows 6th Addition all located in the W½ of Section 24, Township 9 North, Range 6 East, Lincoln, Lancaster County, Nebraska.

EXISTING ZONING: Streets are not zoned, surrounding zoning is R-3 Residential.

PURPOSE: To remove a "Traffic Calming Device" circular island, which is to be moved further south.

SIZE: 25,523.59 Square feet, more or less.

ANALYSIS:

1. This is a request to vacate South 16th Street from the south Lot Line of Outlot 'D,' Vavrina Meadows extended to the west, to the south terminus of South 16th Street.
2. The applicant indicates that the vacation is being requested to eliminate a "traffic calming device" circular island, which is planned to be used in the next Vavrina development to the south.
3. This area of South 16th Street and Vavrina Boulevard have not been constructed. Conversation with the Applicant indicates that the intersection is scheduled to be constructed soon.
3. The Public Works Department report notes that the Lincoln Water System, the Lincoln Wastewater System, Lincoln Electric System, and Alltel all have existing facilities within the

proposed vacation. A permanent easement will be required over the entire vacated area for maintenance of these facilities.

4. Public Works further indicated that the petitioner has agreed to add the circular segment of the vacated area to the abutting lots and that the 60 foot through right-of-way will be re-platted in a future Vavrina Meadows Addition. This is shown on a preliminary plat that has not yet been approved. Public Works has raised several concerns on this preliminary plat review about the proposed new location which have not been resolved. The vacation should not be approved by the City Council until a new location and design have been approved.
5. The petition from Mr. Krueger states that, "The circular segments of the vacated area will be added to the abutting lots; The 60 foot through width will be replatted in a future Vavrina Meadows addition."
6. The vacation of the entire street will create three lots which would not have street frontage. These are Lot 1, Block 9, Outlot 'C,' Vavrina Meadows, and Outlot 'C,' Vavrina Meadows 6th Addition.
7. With the entire right-of-way being vacated, an administrative final plat could not be processed since there would be a public street being dedicated. The area would have to be platted through a final plat approved by the Planning Commission.
8. As an alternative to vacating the entire street, it is suggested that only the curved portions of the right-of-way be vacated. Generally, these areas would vacate 1) a portion of South 16th Street east of a line described as from the southwest corner of Outlot 'D' southerly to the northwestern most corner of Lot 1, Block 9, 2) the curved area southwesterly of the east lot line of Lot 1, Block 10 extended north, and the north lot line of said Lot 1 extended east to their intersection, and 3) the curved area northwesterly of the east Lot Line of Lot 18, Block 11 extended south and the south Lot Line of said Lot 18 extended east to their intersection.

These descriptions will need to be better defined by the Applicant's Engineer or Surveyor, but generally would vacate only the portion for the right-of-way which is not needed for a standard 60 foot wide street.

The Petitioner has agreed to this alternative.

9. The Real Estate Division has not established a value for the right-of-way at this time. They will need to calculate new land values.
10. The proposed vacation conforms with the 1994 Comprehensive Plan.

STAFF RECOMMENDATION:

Vacate the curved portions of the circular right-of-way 30 feet to the east and west of the centerline of South 16th Street leaving a standard 60 foot wide street.

Conditions:

1. Prior to scheduling this vacation on the City Council agenda:
 - 1.1 The petitioner will submit legal descriptions for the circular segments.
 - ~~1.2 The new location for the "calming device" located in Vavrina Meadows 1*~~ Addition preliminary plat is approved. **(**Per Planning Commission 11/01/00**)**
2. Retain the utility easements as requested by the Public Works and Utilities Department for the Lincoln Water Department, the Lincoln Wastewater System, Lincoln Electric System, and Alltel.

Prepared by:

Richard A. Houck, AICP
Planner II
Planning Department

STREET VACATION NO. 00019

PUBLIC HEARING BEFORE PLANNING COMMISSION:

November 1, 2000

Members present: Krieser, Carlson, Schwinn, Taylor, Steward, Newman and Bayer; Duvall and Hunter absent.

Planning staff recommendation: Conditional approval.

Proponents

1. **Rick Krueger** presented this application which will allow movement of the traffic calming device further south about 300'. The device will be in South 16th Street. The purpose of this request is to be able to connect Vavrina Boulevard out to 14th and back in to 16th yet this fall. Krueger agreed with the staff recommendation.

Krueger noted that the staff is suggesting that this street vacation should not be moved on to the City Council until the new location for the calming device located in Vavrina Meadows 1st Addition preliminary plat is approved. Krueger requested that this condition be deleted so that they can move this proposal on to the City Council. They have had extensive conversations with staff and have had the first round of discussions with staff on the Vavrina 1st Addition preliminary plat. Krueger will be resubmitting Vavrina 1st very soon. They cannot, however, make the desired connection this year if Condition #1.2 is required.

Rick Houck of Planning staff indicated that the main reason staff had suggested Condition #1.2 was to have a calming device in 16th Street. However, in further conversation with the other staff, he would agree to delete Condition #1.2.

There was no testimony in opposition.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

November 1, 2000

Schwinn moved approval, with conditions, with amendment to delete Condition #1.2, seconded by Carlson and carried 7-0: Krieser, Carlson, Schwinn, Taylor, Steward, Newman and Bayer voting 'yes'; Duvall and Hunter absent.